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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,549	09/22/2003	John H. Sohl III	36507-191465	5551
26694	7590	05/20/2005		EXAMINER
VENABLE LLP				LAU, TUNG S
P.O. BOX 34385				
WASHINGTON, DC 20045-9998			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ED

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,549	SOHL ET AL.
	Examiner Tung S. Lau	Art Unit 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Patent Application Publication 2002/0169558).

Regarding claim 1:

Smith discloses a method for end-to-end environmental data acquisition and delivery comprising the steps of a) acquiring a first set of environmental subsurface data in a first location via direct reading sensors (abstract), wherein said environmental subsurface comprises an area beneath at least one of a surface of earth, or a surface of a body of water (abstract, page 3, section 0039), b) geo-referencing said data (page 4, section 0062-0064); c) transmitting said data to a data analysis application server (page 2, section 0028-0031, page 4, section 0065); and d) analyzing said data to obtain information about said data; and using said information to select a next location (page 3, section 0050, page 4, section 0065).

Regarding claim 21:

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Smith discloses a method for end-to-end environmental data acquisition and delivery comprising the steps of: a) acquiring environmental subsurface data at a location via direct reading sensors (abstract), wherein said environmental subsurface comprises an area beneath at least one of a surface of earth, or a surface of a body of water (abstract, page 3, section 0039); b) geo-referencing said data (page 4, section 0062-0064), wherein said geo-referencing comprises associating said environmental subsurface data with said location (page 3, section 0050, page 4, section 0065); and c) transmitting said data to a data analysis application server adapted to analyze said data to obtain information about said data (page 3, section 0050, page 4, section 0065).

Regarding claim 23:

Smith discloses a method for environmental subsurface data acquisition and analysis comprising: receiving environmental subsurface data acquired at a location via direct reading sensors (abstract), wherein said environmental subsurface comprises an area beneath at least one of a surface of earth, or a surface of a body of water (abstract, page 3, section 0039); receiving said location; geo referencing said data by said location (page 3, section 0050, page 4, section 0065); and analyzing said data to obtain information (page 3, section 0050, page 4, section 0065)

Regarding claim 2, Smith discloses one or more data parameter (abstract);

Regarding claim 3, Smith discloses environmental subsurface data relates to

chemical and geological attributes of the subsurface (abstract); Regarding claim 4, Smith discloses direct sensing technologies (abstract); Regarding claim 5, Smith discloses geo-referencing said data to a specific point on the earth's surface (fig. 4, unit 30, page 1, section 0014); Regarding claims 6, 8, Smith discloses two dimensional with time (page 3, section 0050, page 4, section 0065, page 1, section 0014); Regarding claim 7, Smith discloses a geo-reference in three dimensional (fig. 2, abstract); Regarding claim 11, Smith discloses using algorithm to calculate information (page 2, section 0033-0035); Regarding claim 12, Smith discloses refining raw data into processed data (page 4, section 0057); Regarding claim 13, Smith discloses display using 'dashboard' type display (page 2, section 0031) and field device (abstract); Regarding claim 18, Smith discloses performing determining (abstract); Regarding claim 20, Smith determining relative quantity data of depth (page 6, section 0096, page 3, section 39), drift calibration (page 6, section 105); Regarding claim 10, Smith discloses application service provider (page 2, section 0031, page 4, section 0065); Regarding claim 22, Smith discloses receiving information from data analysis server (page 2, section 0031, page 4, section 0065), Regarding claim 9, Smith discloses communication link (fig. 4, unit 14); Regarding claim 16, Smith discloses transmitting over a network (page 7, section 0110), Regarding claim 17, Smith discloses transmitting over a wireless network (fig. 4, unit 14); Regarding claim 19, Smith discloses transmitting said information including completed data analytics via the Internet back to source location for decision-

making and process changes (page 3, section 0039, section 0050, page 4, section 0065) and transmitting said information wirelessly to a mobile device to facilitate access via internet protocols to said information analyzed from said sensor outputs (fig. 4, unit 14, page 3, section 0039, section 0050, page 4, section 0065), Regarding claim 14, Smith discloses posting information for access by authorized users (page 7, section 0110); Regarding claim 15, Smith discloses posting on a secure internet website (page 7, section 0110).

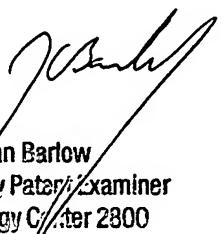
***Response to Arguments***

2. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 5/5/2003 have been fully considered but they are not persuasive.
  
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800